

Attachment A: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 04, Louis A. Johnson VA Medical Center
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the emergent procurement of Masterpact NT breakers to replace the existing Square D breakers serving critical branch circuits to the medical center.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** All labor, equipment and materials to Retrofill of existing switchgear breakers with new Masterpact NT circuit breakers.
4. **Statutory Authority Permitting Other than Full and Open Competition: ()**
 - ☒ (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - () (2) Unusual and Compelling Urgency per FAR 6.302-2;
 - () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
 - () (4) International Agreement per FAR 6.302-4
 - () (5) Authorized or Required by Statute FAR 6.302-5;
 - () (6) National Security per FAR 6.302-6;
 - () (7) Public Interest per FAR 6.302-7;

Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

5. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This is a retrofill that will not require the breaker case to be changed and will result in savings to the VA and this product will also match our existing breaker configuration reducing retrofit costs.
6. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Square D uses GSA negotiated pricing for this purchase as shown on the quote. GSA contract number GS-07F-9462G

Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: See #5 and #6 justifications. This is a direct replacement designed and engineered for this application. Additionally the National Electrical Code states in article 240.86 (B) that the manufacturer of an electrical panel shall label the panel and the label shall show the catalog numbers of those breakers that are suitable for use with that particular piece of equipment. Only Square D catalog numbers are listed on the panels involved with this project.

According to the NRTL, Nationally Recognized Testing Laboratory (NRTL) Program, which is a part of OSHA's Directorate of Technical Support and Emergency Management; if a fuse/circuit breaker series combination is chosen, the designer or contractor has much greater flexibility to mix panelboard/switchboard manufacturers.

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For instance, the lighting panel could be from one manufacturer with that manufacturer's circuit breakers installed and the distribution panel equipped with switches can be from another manufacturer. However, if a circuit breaker/circuit breaker series combination is selected, then the lighting panelboard and distribution panelboard must come from the same manufacturer with their circuit breakers installed in both. There are no circuit breaker/circuit breaker series combinations that mix circuit breakers of different manufacturers. This is what we have in this case a circuit breaker / circuit breaker combination.

8. Any Other Facts Supporting the Use of Other than Full and Open Competition: None that have not been previously addressed.

9. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: None

10. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required

11. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

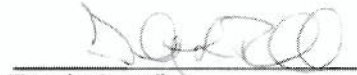

John Bargo
Chief, FMS

Louis A. Johnson VAMC

8/8/12
Date


12. Approvals in accordance with FAR 6.304

a. Contracting Officer's Certification: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


Timothy Russell
Contracting Officer
Clarksburg VAMC

8/8/12
Date

b. One Level above Contracting Officer: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


Brent Burns

08/08/2012
Date

[Type text]

Chief, Contracting
Clarksburg VAMC

c. **NCM** : I certify the justification meets requirements for other than full and open competition.

N/A
David J. Staudt
Network Contract Manager
VISN 4

N/A
Date